

**SUPERIOR COURT OF CALIFORNIA,
COUNTY OF VENTURA
VENTURA DIVISION**

TENTATIVE RULINGS

EVENT DATE: 04/02/2015
JUDICIAL OFFICER: Tari Cody

EVENT TIME: 08:20:00 AM

DEPT.: 20

CASE NUM: 56-2014-00453806-CU-PA-VTA
CASE TITLE: LINDSAY VS. CHRISTIAN

CASE CATEGORY: Civil - Unlimited

CASE TYPE: PI/PD/WD - Auto

EVENT TYPE: Motion - Other (CLM) - for evidentiary issue sanctions pursuant to CCP 2023 & 2030 request for monetary
CAUSAL DOCUMENT/DATE FILED:

No notice of intent to appear is required. If you wish to submit on the tentative decision, you may send a telefax to Judge Cody's secretary at 805-662-6712, stating that you submit on the tentative. Please include the hearing date, the case name and case number on your telefax. Do not call in lieu of sending a telefax, nor should you call to see if your telefax has been received. If you submit on the tentative without appearing and the opposing party appears, you run the inherent risk of the hearing being conducted in your absence.

The court's tentative ruling is as follows:

Although Plaintiff moved for sanctions, the court will consider the motion as also seeking further responses to discovery. The motion for evidentiary sanctions is denied. However, Defendant is required to provide further responses as set forth below.

Monetary sanctions are awarded to Plaintiff payable by Defendant and his counsel, jointly, in the amount of \$1,500 by April 17, 2015.

Special Interrogatory

The court previously ordered a further response to these interrogatories. The further responses provided by Defendant are not sufficient.

No. 10

"Please state all steps taken by you, or on your behalf, to retain the pre-crash data from your 2005 Chevrolet Silverado after the INCIDENT."

All of Defendant's objections are overruled. Defendant shall respond, without objection, to the interrogatory, directly, by indicating whether he took any steps, and if so what steps he took.

No. 11

"When did your insurance company first learn that 2005 Chevrolet Silverado's were equipped with event data recorders?"

All of Defendant's objections are overruled. Defendant is required to "make a reasonable and good faith effort to obtain the information by inquiry to other natural persons or organizations, except where the information is equally available to the propounding party." (Code Civ. Proc., § 2030.220(c).) Defendant shall provide a further response, without objection, indicating when, if ever, his insurance company first learned that *Defendant's* 2005 Chevrolet Silverado was equipped with an event data recorder.

Form Interrogatory No. 17.1

The motion as to RFAs 6 and 13 is denied.

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RFAs 1 and 15:

All objections except Fifth Amendment privilege are overruled. Further response is stayed subject to the protective order.

The court previously ordered further response to the RFAs 8, 9, 11, 12 and therefore further responses to this interrogatory were necessary. Defendant's further responses are not sufficient as explained below.

RFAs 8, 9, 11, 12:

All objections are overruled. In each response Defendant contends he made a diligent search. Defendant shall provide a full and complete response ("state all facts") that describes that search, including whether he sought information from his insurance company that was responsive to the request and shall provide all information requested in interrogatory 17.1.

[Plaintiff is admonished in the future to comply with CRC 3.1110(f) either in the filed document or a courtesy copy.]

Absent waiver of notice and in the event an order is not signed at the hearing, the prevailing party shall prepare a proposed order and comply with CRC 3.1312 subdivisions (a), (b), (d) and (e). The signed order shall be served on all parties and a proof of service filed with the court. A "notice of ruling" in lieu of this procedure is not authorized.